

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAMONA JOYNER,

Civ. Act. No.: 11 Civ. 6005 (JSR)

Plaintiff,

-against-

**NOTICE OF MOTION TO DISMISS
OR TRANSFER VENUE**

CONTINENTAL CASUALTY COMPANY,

DOCUMENT
ELECTRONICALLY FILED

Defendant.

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PLEASE TAKE NOTICE that, upon all the papers and proceedings previously submitted to the Court in this action, the Declaration of Joe Maggio dated November 2, 2011 and the exhibit annexed thereto, the Declaration of Michael H. Bernstein dated November 4, 2011 and the exhibits annexed thereto, and upon the Memorandum of Law simultaneously submitted herewith, defendant, Hartford Life Group Insurance Company ("Hartford") incorrectly sued herein as Continental Casualty Company, by its attorneys, Sedgwick LLP, will move this Court, on December 6, 2011 at 4:00 P.M., before the Hon. Jed S. Rakoff, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rule 12(b)(3), FED. R. CIV. PROC., dismissing Plaintiff's Complaint on the grounds of improper venue, or in the alternative, for an Order transferring the venue of this action to the U.S. District Court for the Western District of Virginia pursuant to 28 U.S.C. §1404(a), and for such other and further relief this Court deems just and proper.

Pursuant to the Court's Order during the telephone conference on October 21, 2011, the remaining motion papers will be served and filed as follows:

Plaintiff's answering papers must be served and filed by November 18, 2011; and

Hartford's reply papers must be served and filed by November 29, 2011.

Dated: New York, New York
November 4, 2011

Respectfully submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)

JOHN T. SEYBERT (JS 5014)

BETSY D. BAYDALA (BB 5165)

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, BETSY D. BAYDALA, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION TO DISMISS OR TRANSFER VENUE** was served **via ECF and regular mail** on this 4th day of November, 2011, upon the following:

Michail Z. Hack Esq.
Quadrino & Schwartz
666 Old Country Road
Garden City, NY 11530
Business Phone: (516) 745-1122
Business E-mail: mzh@quadrinoschwartz.com
Attorney for Plaintiff

Dated: New York, New York
November 4, 2011

s/
BETSY D. BAYDALA (BB 5165)